

TOWNSHIP OF WALL

ORDINANCE NO. 37 -1990

AN ORDINANCE OF THE TOWNSHIP OF WALL AMENDING AND SUPPLEMENTING CHAPTER XV, "ZONING", SECTION 15-5.18, "LOW AND MODERATE INCOME HOUSING PROVISIONS", OF "REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WALL, 1977", AS AMENDED AND SUPPLEMENTED, PERTAINING TO THE POWERS OF THE TOWNSHIP COMMITTEE RELATING TO THE AFFORDABLE HOUSING TRUST FUND.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, as follows:

Section 1. Chapter XV, "Zoning", Section 15-5.18, "Low and Moderate Income Housing Provisions", of "The Revised General Ordinances of the Township of Wall, 1977", as amended and supplemented, be and the same is hereby further amended and supplemented by the deletion therefrom of subsection 15-5.18c.3., "General Powers.", and the substitution therefore of the following:

"3. General Powers. The Township Committee, acting as trustees of the fund, shall have the following powers:

- (a) To appoint a person or organization as Affordable Housing Officer to administer the fund on its behalf and at its direction.
- (b) Use the money, generated from the fund to:
 - (1) Transfer funds to other municipalities or other public entities in the region to provide for the regional housing needs through any method approved by the Court;
 - (2) Provide funds for costs of administering the fund;

(3) provide funds for planning, program development, and administration for any other method of developing affordable housing, including professional planning, architectural, engineering and legal expenses, provided, however, that:

i. no funds shall be used for legal or other professional fees incurred in litigation opposing compliance with the Township's lower income housing obligations;

ii. adequate funds are available from the Trust Fund or other sources to fund the Township's commitments to provide lower income housing, as detailed in its adopted housing element, fair share plan, and any Judgment of Repose entered by the Court in Cove Industries, Ltd., Inc. v. Wall Township (Mt. Laurel II), Docket No. L-051262-84, and consolidated cases; and

iii. no surplus in the Trust Fund, consisting of revenues from contributions from developers in excess of expenditures for Court-approved mechanisms of developing affordable housing, shall be expended without prior approval of the Court.

Section 2. All Ordinances, or parts, thereof, inconsistent with the provisions of this Ordinance, be and the same are hereby repealed to the extent of such inconsistency.

Section 3. Should any section, paragraph, clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 4. This Ordinance shall take effect upon its passage and publication according to law.

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on Aug. 15, 1990 and will be further considered for final passage and adopted at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on Aug. 29, 1990 at 8 o'clock p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to, and up to and including, the date of such meeting, copies of said Ordinance will be made available at the Clerk's office in the Township of Wall Town Hall to the members of the general public who shall request the same.

BEATRICE M. GASSNER, C.M.C.
Township Clerk